

Appl. No. 10/643787
Amdt. dated May 31, 2005
Reply to Office Action of April 29, 2005

PATENT

REMARKS/ARGUMENTS

In response to the election of species requirement mailed April 28, 2005, Applicants, elect with traverse, Species 1 and Subspecies B for initial examination. The claims which read on Species 1 and Subspecies B include claims 1-20. Applicants also identify claims 1 and 13 as generic. The election of species requirement with regard to species 1-21 and Subspecies A and B is respectfully traversed on the basis that although the designated species may be patentably distinct, they are not mutually exclusive. MPEP 806.04(f) specifies that "[c]laims to be restricted to different species must be mutually exclusive." However, the species recited by the office action are not mutually exclusive. That is, no features in any of the identified figures is mutually exclusive with features in any of the other structures. Therefore, Applicants respectfully request that the election of species requirement be withdrawn on this basis.

Applicants also submit that the search of all the Species and Subspecies would present no undue burden on the Examiner as the claims are substantially related by the concepts in the generic claims. This is evidenced by the fact that the Examiner has identified claims 1 and 13 as generic but has not identified separate classes for these or any of the claims. Therefore, Applicants respectfully request that the election of species requirement be withdrawn on this separate and additional basis.

Further, Applicants respectfully point out that per M.P.E.P. 809 02(a), if generic claims 1 and 13 are found to be allowable, then examination of all non-elected species claims will be necessary.

Also in order to provide a varying scope of coverage for Applicant's invention, claims 21-24 are newly presented. These claims are fully supported in the Specification as filed. See the specification, for example, at pages 14-15. These claims are dependant from claim 1 and thus, present no undue burden on the Examiner to search these claims given the fact that the Examiner has identified claim 1 as generic.

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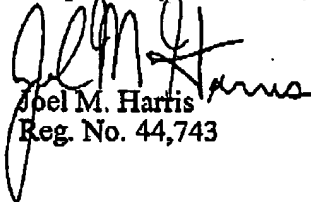
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

It is believed that no fees are due with this response; however, should any fees be required under 37 C.F.R. § 1.16 to 1.21 for any reason, the Commissioner is authorized to charge Deposit Account No 20-1430.

Respectfully submitted,


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